

Serial No.: 09/988,681
Docket No.: DP-827US
MAR.066

REMARKS

Claims 1-23 are presently pending in the application. Claims 1-6, 9-11, 13, 18, and 21 have been amended to more particularly define the invention and to assure proper form under United States practice.

In the final rejection, as maintained in the Advisory Action, claims 1-6, 11, 13, 15-16, 19, 22-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayes, et al. (GB 2330980) in view of Azima, et al., U.S. Patent No. 6,332,029. Claims 7-10, 12, 14, 17-18 and 20-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayes, et al. in view of Azima, et al. and further in view of Porrazzo et al., U.S. Patent No. 5,872,855. These rejections are respectfully traversed.

The Request for Reconsideration filed June 29, 2005 pointed out that in the claimed invention, the driving unit for driving the transparent plate member is positioned “other than over the display,” while Hayes discloses that the transducers are arranged “so that the field of view is not obscured,” and so argued that Hayes does not teach or suggest the claimed invention. The responding Advisory Action contends that Hayes’ arrangement of the transducers “so that the field of view is not obscured” comprises positioning the transducers in a plurality of locations such as the outer fringes of the loudspeaker panel, and thus “other than over the display.”

Under this interpretation of Hayes, positioning of the transducers at any location on the electronic device would amount to positioning “other than over the display.” Arguably, even the prior art electronic device of Figure 1 of the present application has transducers

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positioned other than over the display.

By the above amendments, claims 1-14 are directed to an electronic unit in which the driving unit is positioned on the transparent plate member at a position other than over the display. Hayes does not teach and does not suggest positioning the transducers on the transparent plate member.

To the extent, if at all, that the Hayes location of “so that the field of view is not obscured” might be considered to be a genus, the claimed “other than over the display” is a species. “So that the field of view is not obscured” encompasses an unlimited number of locations for Hayes’ transducers. The claimed “species” advantageously permits the transparent plate, and thus the display, to be larger, permitting easier viewing of the display. See the specification at, for example, page 9, lines 17-24. Accordingly, the claimed invention is patentable over Hayes and the other references. See *Ultradent Products, Inc. v. Life-Like Cosmetics, Inc.*, 127 F.3d 1065 at 1072, 44 USPQ2d 1336 at 1342 (Fed. Cir. 1997).

Further, as a result of the above amendments to claims 1-14 to recite that the transducers are “positioned on the transparent plate member at a position other than over the display,” the unobvious distinctions over Hayes and the other references are even more fully set forth. Hayes makes no explicit disclosure of the positioning of his transducers, and certainly does not teach or suggest that they be positioned on the transparent plate member.

It is accordingly urged that claims 1-14 distinguish patentably over Hayes and the other references.

Claims 15-23 recite that the plate member has a transparent central portion overlying

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the display and a colored section adjacent the transparent central section and positioned other than overlying the display, and that the driving unit is connected to the colored section of the plate member. As a consequence, the driving unit is positioned on the plate member at a position other than over the display. The Advisory Action contends that Azima teaches a colored section adjacent the transparent central section and positioned other than overlying the display, and cites Azima at Figure 1 and at column 23, lines 28-33. This contention and the rejection based on it are traversed.

Column 23, lines 28-33 of Azima read:

“Referring to FIG. 1 of the drawings, a panel-form loudspeaker (81) comprises a rectangular frame (1) carrying a resilient suspension (3) round its inner periphery which supports a distributed mode sound radiating panel (2) formed structurally and configured as variously developed above.” [Emphasis added.]

Thus, Azima does not disclose or suggest that the plate member have a colored section adjacent the transparent central section. Instead, Azima teaches three components - - a rectangular frame, a resilient suspension, and a sound radiating panel. The resilient suspension is carried by the frame, while the sound radiating panel is supported by the resilient suspension. Thus, Azima does not teach or suggest the electronic device of claims 15-23.

It is accordingly urged that claims 15-23 distinguish patentably over Hayes and Azima, as well as the other references.

The title of the application has been amended to correct a translation error.

In view of the foregoing, Applicant submits that claims 1-23, all the claims presently

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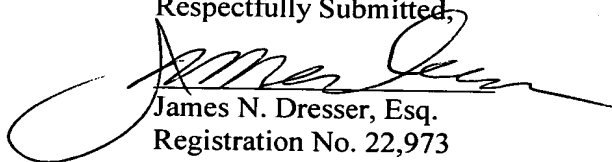
pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,


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